

REMARKS

The present amendment is prepared in accordance with the new revised requirements of 37 C.F.R. § 1.121. A complete listing of all the claims in the application is shown above showing the status of each claim. For current amendments, inserted material is underlined and deleted material has a line therethrough.

Applicants appreciate the thoroughness with which the Examiner has examined the above-identified application. Reconsideration is requested in view of the amendments above and the remarks below.

Restriction Requirement

The Examiner has restricted claims 10 and 11 under 35 USC 121 as follows:

Group I	Claim 10	Drawn to an apparatus classified in class 118, subclass 423.
---------	----------	--

Group II	Claim 11	Drawn to an apparatus classified in class 414, subclass 313.18.
----------	----------	---

The Examiner contends that the inventions are distinct since they are unrelated as not disclosed as capable of use together and they have different modes of operation, different functions, or different effects. In the instant case, the invention of Group I has a different function than Group II in that Group I is directed towards a coating apparatus for dip coating the uncoated lens carriage thereby providing coated optical lenses, whereas Group II is directed toward an article handling apparatus without any coating as it is claimed. These inventions are distinct and have acquired a separate

status in the art as shown by the different classifications, and the Examiner concludes that restriction for examination purposes as indicated is proper.

The claim of Group I, claim 10, has been elected with traverse and it is respectfully submitted that the claim 10 of Group I, and the claim 11 of Group II are co-extensive in that they both require the same mechanism for loading and unloading lenses from the apparatus, the only difference being in claim 10 that there is the additional mechanism for dip coating the uncoated lens. Hence, Applicants respectfully submit that a search pertaining to one of the above-identified groups would necessarily encompass subject matter of the other group and separate searches for each group would be unwarranted and duplicative. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the requirement for restriction.

As required, Applicants hereby affirm election of the claims of Group I (claim 10) for further prosecution herein. Claim 11 will be canceled if the restriction requirement is made final.

Claim Rejections Under 35 USC 112, Second Paragraph

Claim 10 has been rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, claim 10 is considered confusing since it is unclear what the empty carriage at line 17 is referring to and also what the "above procedure" encompasses. The Examiner has suggested amendments to the claims and Applicants have so amended the claims.

The Examiner notes that claim 10 will be allowable if rewritten or amended to overcome the rejections under 35 USC 112, second paragraph, as set forth in the Office


Action. It is respectfully that the because of the above amendments, that claim 10 is now properly allowable.

Applicants have added new claims 12, 13 and 14 to further define the apparatus of claim 10. Support may be found throughout the specification, for example, in Fig. 4 (page 21) for claim 12, Figs. 5A-5B (page 21) for claim 13 and for Fig. 7 (pages 25-26) for claim 14.

Accordingly, it is respectfully submitted that claim 10, as amended, is now properly allowable as well as new claims 12, 13 and 14 which are dependent on claim 10.

It is respectfully submitted that the application has now been brought into a condition where allowance of the case is proper. Reconsideration and issuance of a Notice of Allowance are respectfully solicited. Should the Examiner not find the claims to be allowable, Applicants' attorney respectfully requests that the Examiner call the undersigned to clarify any issue and/or to place the case in condition for allowance.

Respectfully submitted,




John J. Tomaszewski
Reg. No. 26,241

DeLIO & PETERSON, LLC
121 Whitney Avenue
New Haven, CT 06510-1241
(203) 787-0595

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name: Carol M. Thomas Date: October 21, 2004 Signature: 
opt110010000amdA